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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Joseph K. Orr
Serial No. : 09/584,631
Filed : May 31, 2000
For : SCREEN MAKER
Examiner : Quoc A. Tran

January 10, 2005

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

DECLARATION UNDER 37 C.F.R. 1.131 OF JOSEPH K. ORR

1. I, Joseph K. Orr, am inventor of the above-identified patent application.
2. The patent application is rejected in view of primary references Killi et al., which has an earliest priority dated of February 4, 2000.
3. The present patent application, filed May 31, 2000, is related to U.S. Patent Application 09/645,922, filed August 24, 2000. Both of these applications relate to a project called "ScreenBook Maker", which was renamed from "JLab" in July, 1999.
4. Screenbook Maker, the prototype application for the present patent application, is described in a 1999 document, Exhibit A, related to a prerelease version of the software, as follows:

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"ScreenBook is software that allows you to easily create web based tutorials containing screen snapshots.... You can also use ScreenBook to create labs: interactive exercises. A lab is a list of tasks. ScreenBook prompts the student with each task in sequence.... Pages created as labs or tutorials can be reviewed and marked as passed."

This document also describes the use of "png" graphics files, and an HTML editor, both of which can be considered part of a common Internet language.

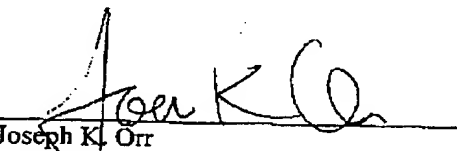
5. A further document, dated July 20, 1999, entitled "ScreenBook Windows Learning Software", Exhibit B, describes the use of ScreenBook to create tutorials or labs.
6. Exhibit C shows a print of a directory showing a date of creation for a file called "JLab.zip" of November 12, 1998.
7. Exhibit D shows a set of pages representing a result of a use of ScreenBook Maker, having file dates of June 3, 1999.
8. Exhibit A discloses a system which takes a snapshot of the computer screen, and an HTML editor, and which automatically integrates these into a page having text and the acquired png images using a common internet language.
9. Exhibits A and D discloses a method for displaying a master page having image and text, the prompting of a student for input in response to a display, and the automatic combining of text and screenshots.
10. Exhibit B discloses the use of a browser, a visual user interface, a screen capture function, and a recallable display configuration.
11. The file dates for the various computer files have not been altered, and are believed to be accurate.

12. It is therefore respectfully submitted that I have demonstrated a date of invention at least as early as that of both Killi et al., for the subject matter claimed in the present application, and therefore that the references are overcome.

13. All activities described in this Declaration were conducted within the United States.

14. ScreenBook Maker, was operative for the stated purposes, and therefore represents an actual reduction to practice in this country prior to the effective date of the primary references.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Joseph K. Orr

Date: 1/10/04